

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :
: 1:21CR418-1
v. :
: RASHAWN ERIC MCEACHERN :

**GOVERNMENT'S MOTION FOR
ISSUANCE OF AN ORDER OF FORFEITURE**

NOW COMES Sandra J. Hairston, United States Attorney for the Middle District of North Carolina, and respectfully submits the United States' Motion for Issuance of an Order of Forfeiture in the above-styled case. In support thereof, the United States sets forth the following:

1. On December 13, 2021, the defendant, RASHAWN ERIC MACEACHERN, was charged in an Indictment in Count One with a violation of Title 18, United States Code, Section 2252A(a)(2)(A) and (b)(1), receipt of child pornography; and in Count Two with a violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2), possession of child pornography involving a minor under the age of twelve.

2. Upon conviction of one or more of the offenses alleged in the Indictment, the United States, pursuant to Title 18, United States Code, Section 2253(a), sought forfeiture of all visual depictions described in Title 18,

United States Code, Section 2252A or 2252, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction which was produced, transported, mailed, shipped, or received in violation of the offense(s) alleged; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and all property, real or personal, used or intended to be used to commit or promote the commission of the offense of conviction. The property to be forfeited includes, but is not limited to, the following:

- a. G Skill desktop tower;
- b. Samsung SSD 500GB, bearing serial number S2HNSAG131667M;
and
- c. Western Digital 1 terabyte hard drive, bearing serial number WCC6Y1PCXNEC.

3. On April 12, 2022, the defendant, RASHAWN ERIC MACEACHERN, executed a Plea Agreement in which the defendant agreed to plead guilty to Count One of the Indictment. On April 19, 2022, the defendant entered a plea of guilty to Count One. The Court found the defendant competent to enter a guilty plea and set a sentencing date for August 31, 2022.

4. The defendant, RASHAWN ERIC MACEACHERN, in the Plea Agreement, knowingly and voluntarily consented and agreed to forfeit to the

United States all right, title, and interest in and to the property described in paragraph 2 above. The defendant consented to the entry of an order of forfeiture for such property and waived the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. The defendant acknowledged that defendant understands that the forfeiture of assets is part of the sentence that may be imposed in this case and waived any failure by the court to advise him of this, pursuant to Rule 11(b)(1)(J), at the time defendant's guilty plea was accepted.

5. Pursuant to the guilty plea, the Government requests that the Court enter, as the statute requires, an order of forfeiture regarding the subject personal property. Under Fed. R. Crim. P. 32.2(b)(1), "the court must determine whether the government has established the requisite nexus between the property and the offense." This determination may be based on evidence already in the record or, if the forfeiture is contested, on evidence or information presented by the parties at a hearing. Fed. R. Crim. P. 32.2(b)(B). Here, where the property is part and parcel of the offense to which the defendant pled guilty, and the defendant has agreed to the forfeiture, the nexus requirement of Fed. R. Crim. P. 32.2(b)(1) has been

satisfied.

6. In accordance with Supplemental Rule G(4)(a)(i)(A), the Government is not required to publish notice, as the property to be forfeited is worth less than \$1,000. In addition, as no other potential claimants are known, no direct notice need be provided.

WHEREFORE, based on the foregoing, the Court is requested to order, pursuant to Title 18, United States Code, Section 2253, that the subject property be forfeited to the United States, and that said property be disposed of in accordance with law, including destruction.

This the 20th day of April, 2022.

Respectfully submitted,

SANDRA J. HAIRSTON
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2022, the foregoing Government's Motion for Issuance of an Order of Forfeiture was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Helen L. Parsonage and I hereby certify that the document was mailed to the following non-CM/ECF participants: [None].

Respectfully submitted,

SANDRA J. HAIRSTON
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